

§ 38.1

Subpart E—Commuter Rail Cars and Systems

- 38.91 General.
- 38.93 Doorways.
- 38.95 Mobility aid accessibility.
- 38.97 Interior circulation, handrails and stanchions.
- 38.99 Floors, steps and thresholds.
- 38.101 Lighting.
- 38.103 Public information system.
- 38.105 Priority seating signs.
- 38.107 Restrooms.
- 38.109 Between-car barriers.

Subpart F—Intercity Rail Cars and Systems

- 38.111 General.
- 38.113 Doorways.
- 38.115 Interior circulation, handrails and stanchions.
- 38.117 Floors, steps and thresholds.
- 38.119 Lighting.
- 38.121 Public information system.
- 38.123 Restrooms.
- 38.125 Mobility aid accessibility.
- 38.127 Sleeping compartments.

Subpart G—Over-the-Road Buses and Systems

- 38.151 General.
- 38.153 Doors, steps and thresholds.
- 38.155 Interior circulation, handrails and stanchions.
- 38.157 Lighting.
- 38.159 Mobility aid accessibility.
- 38.161 Moveable aisle armrests.

Subpart H—Other Vehicles and Systems

- 38.171 General.
- 38.173 Automated guideway transit vehicles and systems.
- 38.175 High-speed rail cars, monorails and systems.
- 38.177 Ferries, excursion boats and other vessels. [Reserved]
- 38.179 Trams, and similar vehicles, and systems.

FIGURES TO PART 38

APPENDIX TO PART 38—GUIDANCE MATERIAL

AUTHORITY: 42 U.S.C. 12101–12213; 49 U.S.C. 322.

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Subpart A—General

§ 38.1 Purpose.

This part provides minimum guidelines and requirements for accessibility standards in part 37 of this title for transportation vehicles required to be accessible by the Americans With Dis-

49 CFR Subtitle A (10–1–07 Edition)

abilities Act (ADA) of 1990 (42 U.S.C. 1201 *et seq.*).

§ 38.2 Equivalent facilitation.

Departures from particular technical and scoping requirements of these guidelines by use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the vehicle. Departures are to be considered on a case-by-case basis under procedures set forth in § 37.7 of this title.

§ 38.3 Definitions.

See § 37.3 of this title.

§ 38.4 Miscellaneous instructions.

(a) *Dimensional conventions.* Dimensions that are not noted as minimum or maximum are absolute.

(b) *Dimensional tolerances.* All dimensions are subject to conventional engineering tolerances for material properties and field conditions, including normal anticipated wear not exceeding accepted industry-wide standards and practices.

(c) *Notes.* The text of these guidelines does not contain notes or footnotes. Additional information, explanations, and advisory materials are located in the Appendix.

(d) *General terminology.* (1) *Comply with* means meet one or more specification of these guidelines.

(2) *If or if * * * then* denotes a specification that applies only when the conditions described are present.

(3) *May* denotes an option or alternative.

(4) *Shall* denotes a mandatory specification or requirement.

(5) *Should* denotes an advisory specification or recommendation.

Subpart B—Buses, Vans and Systems

§ 38.21 General.

(a) New, used or remanufactured buses and vans (except over-the-road buses covered by subpart G of this part), to be considered accessible by regulations in part 37 of this title shall